

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

**FILED**  
99 JUN 30 PM 3:10  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

TIMOTHY LEE BATSON,

Plaintiff,

vs.

CV-98-AR-3126-S

BILLY MITCHEM, ET AL.,

Defendants.

**ENTERED**

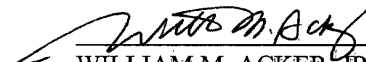
JUN 30 1999

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 26, 1999, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on March 12, 1999.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 30<sup>th</sup> day of June, 1999.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE